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**OFFICE OF PETITIONS**

In re Patent No. 6,946,136 :  
Issued: September 20, 2005 : LETTER REGARDING PTA AND  
Application No. 09/785,764 : CERTIFICATE OF CORRECTION  
Filed: February 16, 2001 :  
Atty. Dkt. No.: SLU 4538 :

This letter is in response to the "LETTER REGARDING ERROR IN PATENT TERM ADJUSTMENT," filed October 18, 2005. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Patent No. 6,946,136 on September 20, 2005. The patent issued with a patent term adjustment (PTA) of 993 days. Patentees indicate that the adjustment of 993 days is thought to be longer than appropriate.

A review of the application history reveals that an adjustment of 868 days can be attributed to the Office. In accordance with 37 CFR 1.702(a)(2) and 1.703(a)(2), an adjustment 561 days can be attributed to the Office. In accordance with 37 CFR 1.702(a)(2) and 1.703(a)(2), an adjustment of 30 days can be attributed to the Office. In accordance with 37 CFR 1.702(a)(4) and 1.703(a)(6), an adjustment of 277 day be attributed to the Office.

The adjustment of adjustment of 868 days can be reduced a total of 150 days for patentees' failure to engage in reasonable efforts to conclude prosecution (or processing). In accordance with 37 CFR 1.704(b), the adjustment of 868 days can be reduced 30 days in connection with the amendment submitted August 15, 2003.

The adjustment is further reduced 120 days in accordance with 37 CFR 1.704(c)(10)(ii) in connection with the drawings submitted August 17, 2004.

Accordingly, at the time of issuance, the patent was entitled to an adjustment of 718 days.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 718 days.

Applicants are given 30 days to file a request for reconsideration of the instant decision. No additional time will be granted under 37 CFR 1.136.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

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**CERTIFICATE OF CORRECTION**

PATENT : 6,946,136 B2  
DATED : September 20, 2005  
INVENTOR(S) : Belshe, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[\*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 993 days

Delete the phrase "by 993 days" and insert – by 718 days--